

# The Hawaiian Star

DAILY AND SEMI-WEEKLY.

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DANIEL LOGAN .....EDITOR

THURSDAY, .....DECEMBER 22, 1910

## SHYING AT SHADOWS.

Surely the Chamber of Commerce shied at a shadow yesterday, when it bolted from the sensible guidance of its trustees. Or did it show that it could be turned out of a straight road, at any time, by the gee, whoa or haw of one or two plausible talkers.

From the viewing with alarm the original resolutions were accorded, upon inspiration of Messrs. Castle and Thurston, one would think the august body imagined that the proposition was to dictate to the President and Congress the manner in which Hawaiian affairs were to be treated at Washington.

Does the Chamber take it that the sacred right of petition, coming down from Runnymede, has been abrogated, that a set of resolutions, which respectfully asks Congress to suspend action upon measures relating to Hawaii until Hawaii may authentically be heard from thereon, is such a dreadful thing?

Senator Smith and those with him who stood for the original proposal talked common sense. There is no good reason why proposed legislation for Hawaii, especially any to amend the Territorial constitution, might not await submission to the Legislature of Hawaii. There would rarely be anything like a delay of two years anyway, for most important questions would likely have an airing about the time either of a general election or the biennial session soon succeeding. What would be liable to be sprung, when a Legislature was recently got out of the way, is a scheme of some selfish interest hatched in secret. It is such undesirable surprises that Congress ought to be put on guard against.

Now if an unforeseen need of congressional action should arise early in the biennial period, the Organic Act provides a mode of meeting the emergency. The Governor can convene the Legislature in special session, as he did in the case of the recent Organic Act amendments. In this instance the work of the Legislature received most profound respect at the hands of Congress. As much time and as careful deliberation were given to that measure by the Senate and House as anything but the greatest national subjects considered at that session received. At least all the time and deliberation the bill required it received.

Of course there might be matters of Hawaiian legislation by Congress which would not be of sufficient importance to call for submission to even a regular session of the Legislature. But the original proposal did not imply that Congress was asked to waive its discretion. As Delegate Kalaniana'ole remarked, Congress is not composed of fools.

Equally weak with the other arguments of the emasculators was that which set up the bogey of a bad Governor and a bad Legislature connubiating to recommend objectionable measures to Congress. This also presupposes that Congress is a parcel of blockheads and that the resolution was intended to be dictatorial. Did not Congress make amendments at its pleasure to the bill submitted by last Legislature? And would not the submission of a bad measure to the Legislature serve the purpose of giving due notice both to Congress and to the people of this Territory?

Notice of all private bills by publication in advance of the legislative session when they are to be introduced is required by law in some jurisdictions. It is one of the usual provisions in the law of municipalities that notice by publication shall be given of all proposed legislation.

By making the resolutions as passed specific—applying only to the McCrosson schemes—the Chamber of Commerce lays out for itself, the other business organizations and the intelligent public at large the necessity of keeping a constant watch against similar unpleasant surprises, and of being always prepared for a disagreeable local ruction with meetings to "view with alarm" a mischief, perhaps, if not probably, too late to avert it.

Yesterday's action of the Chamber of Commerce was of a kind to give the painful impression that more easily than a lowing herd can a representative gathering of Honolulu's business talent be stampeded.

Both the business and the improvement organizations of San Francisco would appear to have nearly all the control they could desire in civic affairs, judging by the satisfaction over the results of a recent wholesale referendum expressed by the organ of the Merchants' Association of that city in an article elsewhere copied. One peculiarly interesting sentiment of the article is its compliment to those who, not understanding the proposals submitted, refrained from voting. It may be doubted, though, if all the absentees from the polls were kept at home by civic virtue. Probably one controlling reason was that in the main the questions at issue did not present the spoils of politics for scramble. If the "stuff" had been there, no doubt the "push" would all have been "out" for it. Indeed, upon the unwise proposal to make a castiron wage minimum of \$3 a day for public work enough voters turned up to carry the measure by a small majority. As only 38,991 voted on this question out of 44,000 who went to the polls, it may be that some of the "intelligent" vote shied where it shouldn't.

What has become of the Central Improvement League? This federation of district improvement clubs performed some useful services in its brief period of vitality. To it is credited the tenement house ordinance that has protected many nice residence sections from degradation. Its efforts in that matter apparently overtasked its vital machinery, for it does not seem to have survived long enough to receive the report and grant the discharge of the committee. Some of the district clubs retain vigorous existence and have many trophies of neighborhood benefits hanging upon their walls. With more of such clubs and a live central organization, the city government would be greatly stimulated in making improvements and giving the different parts of the town equal consideration.

Elsewhere in this issue will be found the regulations governing the inspection of returns of corporations for the internal revenue tax. It will be seen that close corporations, or those whose stock is never on the open market, are protected from prying and spying eyes of rivals or outsiders. This was a point on which the Hawaiian law compelling corporations to file annual returns was fought by some business men here. On the other hand, the returns of corporations whose stock is for sale to the public are, under the Federal law, open to the inspection of any person complying with the rules provided.

One of the best things in the Kilauea national park scheme is a road to Mokuawewe, the summit crater of Mauna Loa. The bridge trail is too arduous for any but rugged physique. Those who are fond of rough mountain climbing may still take the trail, but the road will leave

no terror worse than mountain sickness for feeble spirits. On the occasions of activity in the crater, the trip would be one of the greatest experiences the world afforded.

If they will consult their cash register interests, the popular theaters will tabu all vulgarity on stage and screen.

## POLICE KEPT DEFENDANT AND HIS MONEY TOO

(Continued from Page One.)

It is claimed that the money taken from the person of the defendant was needed as evidence in the case against defendant and therefore refused to return the money to him.

"I say, acting in their usual high-handed manner, and it seems to me," continued Lightfoot "that if any continuance is asked the money should be brought into court and given to defendant."

Judge Lymer—"This is a criminal matter; are you insisting on a preliminary examination here?"

Lightfoot—"Yes."

Judge Lymer—"Who issued the bond?"

Lightfoot—"The sheriff, I suppose."

Judge Lymer pointed out that in cases of a similar kind to the one before the court he (the judge) had no power to fix a bond, for the penalty might be as high as ten years imprisonment, but to this Lightfoot replied that it had been the practice of the District Magistrate to fix a bond for the appearance of a defendant before the District Magistrate and also for the defendant's appearance before the Circuit Court if committed.

Judge Lymer quoted the section dealing with the matter, which stated that in cases where the sentence might be not less than ten years the District Magistrate had no power to fix a bond, but Lightfoot suggested that that meant where the minimum sentence was ten years or more.

Judge Lymer disagreed with this view and stated that he had taken the matter up with Judge Cooper and City and County Attorney Cathcart. Though there was some doubt about the matter both gentlemen had in the main agreed with the judge.

Lightfoot—"You will not allow him out on bail?"

Judge Lymer—"Not unless you waive examination here, then the matter passes out of my hands and can be taken up before Judge Cooper."

Lightfoot—"We have to bow to the ruling of the court, but it is not the meaning of the statute. I ask for an order of the court for the return of the money—the money taken away from the defendant without the due process of law."

Andrews—"I object to that! It is a most remarkable statement to make that the money was taken without due process of law. We allege that over \$500 have been embezzled by this man on Maui and another island. This money and other monies are not the property of the defendant; they are the property of people who have been defrauded by him. The police are not taking the money to put it in their pockets; they are holding it for evidence. Does counsel suggest that the police have no power to take this money? A man might be arrested for theft and the stolen property found on him and that would be kept by the police."

Lightfoot—"Counsel must be not awake this morning. There is a great difference between taking what is the result of a crime when it is other than money and when it is money. If counsel will undertake to identify this money as the money he says was embezzled, which of course he would not be brave enough to do, that would be a different matter. As to counsel's statement about \$500, I cannot understand a practitioner of law coming into court and making any such statement, unless he wished to pull wool

over the eyes of the court. We are charged with embezzling \$110 and that is all we know about. Why are we not charged with the other amounts?"

Andrews—"The other charges are on the island of Hawaii and we are waiting for the papers."

Lightfoot—"So Mr. Andrews claims the right to constitute himself judge and jury and take this money without so much as by your leave?"

Andrews—"I have nothing to do with it; the police authorities have taken it."

Lightfoot—"The police authorities can do anything they like; they can keep a man in jail for years without a charge against him, but that does not make it right."

Judge Lymer—"Do you consider this money evidence in your case?"

Andrews—"I suppose—Yes, I do. I will have to show the court that the denomination of the money will be a necessary part of my case. I cannot say which part of the \$230 is in this case. If we turn the money over to him we may be giving him exactly the money which he is charged with embezzling."

Judge Lymer—"It would be better if all the charges were made against him."

Andrews—"A claim has been made that the police authorities have illegally taken this money."

Lightfoot—"Mr. Andrews knows that is so as well as anyone else."

Andrews—"As the man is not out on bail I do not know what position Mr. Lightfoot takes up."

Lightfoot—"The court has refused bail but we will contest that by habeas corpus."

Judge Lymer—"The court will not grant the order concerning the money."

Attorney Brown—"I suggest the case be set for Tuesday."

Lightfoot—"We demand an early trial."

Another discussion ensued on this point, Lightfoot urging that the constitution of the United States provided for reasonable bail and in case a defendant was deprived of bail and was remanded to jail a speedy trial. Owing to engagements by Andrews in other courts date could not be fixed on by consent but Lightfoot urged that the engagements of counsel would have to be set aside, or that the regular prosecutor, who no doubt was ready and willing to proceed, should take up the case.

In order to facilitate matters Judge Lymer offered to sit this afternoon but Andrews could not attend.

Lightfoot declared he would take out habeas corpus papers returnable immediately, in which case counsel

would be in another court.

Andrews—"The county attorney's office can look after that."

Eventually the case was continued until tomorrow morning, with the understanding that Attorney Andrews would endeavor to secure a postponement of his cases in the other courts. Defendant was remanded in custody, Judge Lymer remarking, in response to a query from Lightfoot, that the court had no jurisdiction to refuse or to grant bail.

## QUINN GETS JUDGMENT.

Judgment by default in favor of the plaintiff was given in the case of E. W. Quinn v. J. C. Cohen, with Bishop & Co., the Bank of Honolulu Ltd., the Bank of Hawaii, the First National Bank of Hawaii, and George B. Howard and O. D. Bailey, doing business as the George B. Howard Co., as garnishees. The amount involved was \$1,184.99, with interest from July 30. The first National Bank was ordered to pay to the plaintiff on account of the judgment, the sum of \$254.46 held on account of the defendant.

## WORTHY WOMAN PASSES AWAY

The sad news was received in town this morning of the death of Mrs. C. B. Olsen, wife of the storekeeper at Kahuku plantation, from grip-pneumonia, in the 49th year of her age.

The deceased was born in Drammen, Norway, but came to this country in 1885 and was married to Mr. Olsen in May 1886. Of an unusually gentle and sweet disposition, she won the hearts of all who knew her. Lovable, unselfish and thoughtful of the pleasure and comfort of all around her, she leaves a host of warm friends, besides a sorely stricken husband and four children, to mourn her untimely death.

The remains will be brought to Honolulu by the morning train tomorrow for cremation. The funeral will leave the Oahu R. R. depot at 8:30 tomorrow morning.

Arthur F. Gay registered at the Stewart, San Francisco, on December 12.

Yesterday charters were granted to two Portuguese Societies, namely the Council Vindondessa, Porto Formosa, No. 28, a secret society, and the Associação Soccorrios Mutuos A Patria, a mutual benefit society. The charterers of the first-named society are: Maria Vieira, Sara Canario, Tugusta Horner and Maria Barden; and of the second: Jose C. Souza, Augusto P. C. Correa, Antonio P. Garcia, Jose P. Rego and Joaquim J. Souza.

## DIED.

OLSEN—At Kahuku, Oahu, Dec. 22, 1910, at 7:00 a. m., Mrs. Johanna Wan Olsen, beloved wife of C. B. Olsen, a native of Norway, aged 48 years.

## CHRISTMAS DINNER.

The idea of taking dinner at home on set days for feasting is gradually departing from the noddle of the man who likes good things for his stomach's sake and who wishes to take them economically. When there is to be a week end as joyous as this promises to be there is a desire to get away from everyday scenes and link up with surroundings that are, in a measure, new. Haleiwa offers something that anyone can enjoy without an effort and the dinner to be served there next Sunday everyone will. It would be an assurance of comfort and satisfaction to have Mr. Kimball reserve accommodations for those who wish to remain over.

## BOXING : CONTEST

Monday, Dec. 26  
A s a h i Theater

Maunakea Street Between Hotel and Pauahi.

YOUNG GANS vs. SARCONI.

Honolulu 6—Rounds—6 Camp Very

BAUERSOCKS vs. FINK

Leilehua 8—Rounds—8 Camp Very

JOE MCGURN vs. JIM HOGG

San Francisco Honolulu

12—Rounds—12.

Doors Open 7 p. m. Sharp.

Boxing Contest begins at 8:15 sharp.

General Admission 50c, \$1.00, \$1.50.  
Ringside Seats \$2.00.

## Great American Show

Positively last 6 performances ending

December 26

## MATINEES

Saturday and Monday.

CHANGE OF PROGRAM.

Saturday and Monday.

General Admission 25c.

FREE PERFORMANCE EVERY EVENING AT 7 P. M.

Advance Seats at Hollister Drug Co.

## Houses To Rent

## UNFURNISHED.

Aleia, 3 B. R. ....\$50.00  
Kaimuki 7th, 6 B. R. .... 45.00  
Kam. IV Rd. 4 B. R. .... 35.00  
Lewers Rd. 3 B. R. .... 30.00  
Kam. IV Rd. 4 B. R. .... 25.00  
Waipio, 3 B. R. .... 12.00  
Kam. IV Rd. 2 B. R. .... 15.00  
Kinau Street, 3 B. R. .... 30.00  
Beretania Street, 3 B. R. .... 30.00  
Waialae Road, 2 B. R. .... 32.50  
School Street, 3 B. R. .... 40.00  
Beretania & Alapala Sts.,  
4 B. R. .... 37.50  
Kinau Street, 4 B. R. .... 32.00  
Kinau Street, 6 B. R. .... 40.00  
Cartwright Road, 2 B. R. .... 18.00

Trent Trust Co.,  
LIMITED.



Now what would there be to the holidays,  
If she were left out with winning ways,  
For yuletide without the yuletide girl,  
Might wave, but could not joys unfurl.

There is indeed excellent reason,  
For she is the spirit of the season,  
And adds such a lot with her magic touch  
That lacking it—holidays wouldn't be much.